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**From:** Bohlen, Carolyn  
**To:** Bohlen, Carolyn  
**Sent:** 7/14/2016 6:26:47 PM  
**Subject:** Fw: South Dayton Dump ("SDD") - Special Notice Letter - Dayton Industrial Drum ("DID")  
**Attachments:** removed.txt

Carolyn Bohlen, Ed.D., Chief  
Enforcement Services Section #2, Superfund Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (SE-5J)  
Chicago, Illinois 60604  
Phone: (312) 886-6541 Fax: (312) 692-2947  
bohlen.carolyn@epa.gov

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**From:** Herring, Margaret  
**Sent:** Tuesday, January 20, 2015 3:37 PM  
**To:** Wheatley, Jessica  
**Cc:** Nash, Thomas; Bohlen, Carolyn  
**Subject:** FW: South Dayton Dump ("SDD") - Special Notice Letter - Dayton Industrial Drum ("DID")

Ms. Wheatley, In this e-mail string, please see the e-mail from Timothy Hoffman that is dated January 20, 2015, in which he asks that EPA treat his request for information as a Freedom of Information Act request.

The Site is the South Dayton Dump and Landfill (Site ID No. B52B).

Margaret Herring  
312 886-6239

**From:** Nash, Thomas  
**Sent:** Tuesday, January 20, 2015 3:15 PM  
**To:** Herring, Margaret  
**Cc:** Toney, Marcy  
**Subject:** FW: South Dayton Dump ("SDD") - Special Notice Letter - Dayton Industrial Drum ("DID")

Margaret:

Tim would like to make a FOIA request. Could you please forward this to the FOIA control officer?

Thanks, Tom

**From:** Hoffman, Timothy [<mailto:tim.hoffman@dinsmore.com>]  
**Sent:** Tuesday, January 20, 2015 2:08 PM  
**To:** Nash, Thomas  
**Subject:** South Dayton Dump ("SDD") - Special Notice Letter - Dayton Industrial Drum ("DID")

Hello Tom.

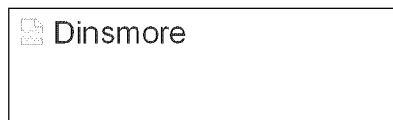
The last time we talked about this site and Dayton Industrial Drum was in 2012 (see the email string below). It's too bad that USEPA is not subject to "Rule 11" like obligations/sanctions when it accuses a party of being a PRP. I still await a response to my request to you from September 17, 2012 to provide specific evidentiary support that DID disposed of or arranged for the disposal of anything at the SDD let alone hazardous substances. Your reference to the deposition of Ed Grillot at that time was and is an unacceptable response. I reiterate my request and you may elevate my request to a formal FOIA request since my attempt previously to obtain that information informally was unsuccessful. Please forward this email to the appropriate party for a formal FOIA response. Please do not generally refer to a deposition transcript, please provide the specific evidence that you have.

Please also forward this email to Margaret Herring as I can represent on behalf of my client that it will object to the information request and that it has no responsive information related to any disposal of material at the SDD. USEPA has made previous requests for information of DID related to this and other sites in the Dayton area and to request the same information again is unreasonable and already available to USEPA.

In addition the USEPA letter is very confusing. It looks like a form letter for a site where no work has been undertaken and suggests the formation of a PRP Steering Committee. This site has 2 AOC's covering the work in question and I suspect the RI/FS is nearing completion. Can you explain the objective of this letter?? As you are also aware, DID has been named in a contribution action by other PRP's related to the 2<sup>nd</sup> AOC at the SDD. I am not representing DID in that matter but I understand there are discovery responses from DID that those plaintiff PRP's could make available to USEPA which would also answer many of the questions in the information request.

Needless to say with the paucity of evidence connecting DID to this site the USEPA letter was not well received.

Tim.



**Timothy D. Hoffman**  
Partner

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**From:** Hoffman, Timothy  
**Sent:** Monday, September 17, 2012 4:44 PM  
**To:** [Nash.Thomas@epamail.epa.gov](mailto:Nash.Thomas@epamail.epa.gov)  
**Subject:** RE: South Dayton Dump "SDD"/General Notice/September 10, 2012/David Hussong

Thanks Tom . There is no reference to Dayton Industrial Drum in the notice.

I have read Ed Grillot's deposition and he was "coached up" well. He referred to the Barrel Factory in Beavercreek "from talking to a couple of the drivers" with no firsthand knowledge himself. That testimony

would never be admissible as its hearsay.

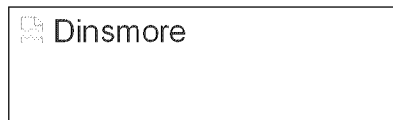
Just so you know, the Beavercreek operation he is talking about was really two operations. One was a "solvent recycling" operation operated by a separate corporation and one was a drum recycling operation operated by a separate company called Lammers Barrel. Lammers Barrel moved its operations before the "incident" he talked about to Radio Rd in Dayton and new owners changed the name to Dayton Industrial Drum. The drum recycling operation in Beavercreek and then after they moved to the Dayton location dealt with empty drums and would never have disposed of any as they were their "bread and butter" so to speak. Those drums were either recycled or sold as scrap metal. Disposing of a drum was like throwing away money and that practice continues today to either recycle or sell them as scrap metal.

If there were drums disposed of by the "Barrel Factory" factory in Beavercreek with spent solvent material in them they would not have come from the drum recycling operation. I also cannot imagine that the solvent recycling operation would have disposed of spent solvents either as that was how they made their money too. Ed Grillot's testimony is not credible. That whole litany of "testimony" in those several pages of the transcript looks rehearsed to me with company names coming from Larry Silver and not Mr. Grillot's memory.

I do not believe USEPA should be using Mr. Grillot's second hand hearsay knowledge as the basis for issuing notice letters without anything more. If you have more substantiation I'd like to see it.

Thanks.

Tim.



**Timothy D. Hoffman**  
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**Please note, my email address has changed. Be sure to update your records.**

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**From:** [Nash.Thomas@epamail.epa.gov](mailto:Nash.Thomas@epamail.epa.gov) [<mailto:Nash.Thomas@epamail.epa.gov>]  
**Sent:** Monday, September 17, 2012 4:15 PM  
**To:** Hoffman, Timothy  
**Subject:** Re: South Dayton Dump "SDD"/General Notice/September 10, 2012/David Hussong

Tim

David Husong was sent a general notice for Dayton Industrial Drum. We did not intend to name him personally as a PRP, we thought of him as a contact point for DID. The nexus can be found in the deposition of Ed Grillot.

Thanks, Tom

(c) Thomas C. Nash  
Associate Regional Counsel  
phone: 312-886-0552  
fax: 312-886-7160 or 312-886-0747  
email: [nash.thomas@epa.gov](mailto:nash.thomas@epa.gov)

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♥ "Hoffman, Timothy" ---09/17/2012 01:03:59 PM---Hello Tom. I am in receipt of USEPA's correspondence mentioned above. In addition to representing K

From: "Hoffman, Timothy" <[tim.hoffman@dinsmore.com](mailto:tim.hoffman@dinsmore.com)>  
To: Thomas Nash/R5/USEPA/US@EPA,  
Date: 09/17/2012 01:03 PM  
Subject: South Dayton Dump "SDD"/General Notice/September 10, 2012/David Hussong

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Hello Tom. I am in receipt of USEPA's correspondence mentioned above. In addition to representing Kathryn Boesch and Margaret Grillot our firm also represents a number of other parties in other matters unrelated to the SDD that received this General Notice of Liability. I expect we will be asked to represent some of them in this matter.

I have already been contacted by David M. Hussong and I would like for you to send me the specific information you have as to why he was named personally. If you have it in an electronic version that would be appreciated. There may be others but for now my inquiry is limited to Mr. Hussong.

I will not be able to attend the September 19<sup>th</sup> meeting. I am curious why the gas sampling work is not being addressed in the scope of the current RI/FS process. I am also curious how the exceedences of ODH Sub Slab Screening Levels rise to the level of enforceable "action levels"? Likewise how those exceedences justify a time sensitive removal action without more? Any information you can provide in this regard is appreciated.

Thank you.

Tim.

**Timothy D. Hoffman**  
Partner

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This was done to limit the distribution of computer viruses introduced  
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extension and resend the Email with the renamed attachment. After  
receiving the revised Email, containing the renamed attachment, you can  
rename the file extension to its correct name.

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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*